IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.203 OF 2006

IN

APPEAL(LODG) NO.1374 OF 2004

IN

SUMMONS FOR JUDGMENT NO.327 OF 2004

IN

SUMMARY SUIT NO.3843 OF 2003

Vinod Arora. ...Appellant.

vs.

1.Maxwell Industries Ltd. & ors. ...Respondents.

Mr.A.G.Damle, for Appellant.

None for Respondents.

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 24th July,2007.

P.C.:-

1. Heard the learned Counsel appearing for appellant. None appears for respondents. According to the appellant, the order impugned in the appeal was passed in the absence of his lawyer, the appellant is not residing in Bombay but is residing at Lucknow.

2. We have perused the record of the appeal also. We find that the plaintiff was claiming decree against the defendants as partners of the firm. Thus, the liability of the defendants was joint and several. The Court has granted unconditional leave to defend to defendant no.2 but has granted conditional leave to defend to defendant nos. 1, 3 and 4. We therefore, think that the appellant has good case on merit in the

appeal, and therefore, to give him an opportunity to contest the appeal on merit, it will be in the interest of justice to condone the delay. Hence, the notice of motion is granted in terms of prayer clause (a). Notice of motion is disposed of.

(D.K.DESHMUKH, J.)

(J.H.BHATIA,J.)